

In light of the current public health crisis and the Federal, State and County Emergency Declarations, and in accord with the provisions of Sec. 610.020, RSMo., the Board of Aldermen recognizes that it would be dangerous and impractical, if not impossible, for its meeting to be physically accessible to the public. The Board also recognizes the need for the public's business to be attended to in order to protect the public health, safety and welfare. In order to balance both the need for continuity of government and protection of the health and safety of our residents, business persons and employees, this meeting of the Board of Aldermen will not be open to public attendance in person. The meeting will be accessible by the public in real time ONLY by following the instructions in the box below.

You are invited to a Zoom webinar.  
When: August 11, 2020; 7:00 P.M. Meeting  
Topic: 08/11/2020 Board of Aldermen Meeting.

Please click this URL to join:  
<https://us02web.zoom.us/j/85226527496>

Dial (for higher quality, dial a number based on your current location):  
US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782  
Webinar ID: 852 2652 7496

International numbers available: <https://us02web.zoom.us/u/kd7e1ELM5e>

**Persons interested in making their views known on any matter on the agenda should send an email with their comments to the City Clerk at [jfrazier@claytonmo.gov](mailto:jfrazier@claytonmo.gov). All comments received will be distributed to the entire Board before the meeting.**

Thank you for your understanding and patience as we all try to get through these difficult and dangerous times.

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**CITY OF CLAYTON BOARD OF ALDERMEN**  
**EXECUTIVE SESSION**  
**TUESDAY, AUGUST 11, 2020**  
**VIRTUAL ZOOM MEETING**  
**CLAYTON, MO 63105**  
**6:30 P.M.**

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1. Personnel (Pursuant to RSMo 610.021(12)).

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.

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**CITY OF CLAYTON BOARD OF ALDERMEN**  
**TUESDAY, AUGUST 11, 2020**  
**VIRTUAL ZOOM MEETING**  
**CLAYTON, MO 63105**  
**7:00 P.M.**

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**ROLL CALL**

**MINUTES – July 28, 2020**

**PUBLIC REQUESTS & PETITIONS**

**PUBLIC HEARING**

1. Ordinance – To approve to vacate right-of-way adjacent to 7827 Davis Drive. (Bill No. 6803)

**CITY MANAGER REPORT**

- Ū Resolution – To approve submittal of a Municipal Park Grant application for the replacement of playground equipment in Shaw Park. (Res. 2020-10)
- Ū Motion – To set September 8, 2020 as the date for a public hearing for the FY2021 Operating and Capital Improvement Budget and the Property Tax Levies for tax year 2020.
- Ò Motion – To approve Boards and Commissions appointments.
- Ô Appeal – Findings on the ARB Decision for 8155 Stratford Avenue.

**ADJOURNMENT**

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.

THE CITY OF CLAYTON

Board of Aldermen  
Virtual Zoom Meeting  
July 28, 2020  
7:00 p.m.

Minutes

**NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition of large gatherings due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.**

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Joanne Boulton, Rich Lintz, Ira Berkowitz, Bridget McAndrew, Susan Buse, and Dan Sokol.

Mayor Harris  
City Manager Gipson  
City Attorney O'Keefe

**Motion made by Alderman Berkowitz to approve the July 14, 2020 minutes. Alderman Lintz seconded.**

**Motion to approve the minutes passed unanimously on a voice vote.**

PUBLIC REQUESTS AND PETITIONS

None

A MOTION TO CONSIDER APPROVING A LIQUOR LICENSE FOR KATERINA'S, LLC DBA KATERINA'S GREEK KITCHEN LOCATED AT 7822 BONHOMME AVENUE

City Manager Gipson reported that Katerina's, LLC d.b.a. Katerina's Greek Kitchen is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 7822 Bonhomme Avenue.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members to be approved.

**Motion made by Alderman Boulton to approve a liquor license for Katerina's, LLC d/b/a Katerina's Greek Kitchen at 7822 Bonhomme Avenue. Alderman Lintz seconded.**

**The motion passed unanimously on a voice vote.**

**A MOTION TO CONSIDER APPROVING A LIQUOR LICENSE FOR 7676 FORSYTH, LLC  
DBA TONY'S AT 105 CARONDELET PLAZA**

City Manager Gipson reported that 7676 Forsyth, LLC d.b.a. Tony's is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, except Sundays, at 105 Carondelet Plaza.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members to be approved.

Tobias Raphael, James Bommarito and Jamie Mansfield, representing Tony's, were in attendance to answer questions.

Mr. Raphael reported that the completion of the construction would be around the end of September, but an opening date has not yet been determined due to the pandemic.

Mr. Raphael also inquired about the "jersey barriers" for outdoor dining more specifically at Pastaria Restaurant.

**Motion made by Alderman Boulton to approve a liquor license for 7676 Forsyth, LLC d/b/a Tony's at 105 Carondelet Plaza. Alderman Lintz seconded.**

**The motion passed unanimously on a voice vote.  
vote.**

**AN ORDINANCE TO CONSIDER AUTHORIZING A SMALL VEHICLE SHARING PROGRAM  
IN COOPERATION WITH OTHER MUNICIPALITIES**

City Manager Gipson reported that following the Board of Aldermen's discussion regarding small vehicle regulations on April 17, 2020, Staff reached out to the Cities of Brentwood, Maplewood, and Richmond Heights to request their consideration of incorporating Clayton into the Small Vehicle Share Program Intergovernmental Agreement. The three cities agreed that adding the City of Clayton would be beneficial to the partnership.

**Alderman Boulton introduced Bill No. 6802, authorizing a Small Vehicle Sharing Program in cooperation with other municipalities to be read for the first time by title only.  
Alderman Lintz seconded.**

**City Attorney O'Keefe reads Bill No. 6802, first reading, an Ordinance Authorizing a Small Vehicle Sharing Program in the City of Clayton, Missouri, in Cooperation with Other Municipalities and Approving a Fee Schedule in Connection Therewith by title only.**

**The motion passed unanimously on a voice vote.**

Motion made by Alderman Boulton that the Board give unanimous consent to consideration for adoption of Bill No. 6802 on the day of its introduction. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

Alderman Boulton introduced Bill No. 6802, authorizing a Small Vehicle Sharing Program in cooperation with other municipalities to be read for the second time by title only. Alderman Lintz seconded.

City Attorney O'Keefe reads Bill No. 6802, second reading, an Ordinance Authorizing a Small Vehicle Sharing Program in the City of Clayton, Missouri, in Cooperation with Other Municipalities and Approving a Fee Schedule in Connection Therewith by title only.

The motion passed on a roll call vote: Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Sokol – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6663 of the City of Clayton.

#### A MOTION TO APPOINT MEMBERS TO THE BOARDS AND COMMISSIONS

City Manager Gipson reported that individuals have expressed interest in being appointed to or continuing to serve as a member of the following Boards or Commissions of the City. Mayor Harris has reviewed and agrees with the recommendations for appointment or reappointment to the respective Board or Commission and, therefore, submits the following nominations for the Board's consideration.

##### Board of Appeals

Helen DiFate                      Ward 3 (new appointment completing a term through June 30, 2021)-  
replaces *B. McCool*

##### Board of Adjustment

Abby Goldstein                      Ward 1 alternate (new appointment for 5-yr term through June 30, 2025)

##### City Plan Commission/ARB

Helen DiFate                      Ward 3 (reappointment for a 3-yr term through June 30, 2023)

##### Community Equity Commission (CEC)

Nicki Bissel                      Ward 2 (new appointment for a 3-yr term through June 30, 2023)-  
replaces *A. Sheble*

Stuart Berkowitz                      Ward 2 (reappointment for a 3-yr term through June 30, 2023)

##### Economic Development Advisory Committee (EDAC)

Bill Schute                      Ward 1 (reappointment for a 3-yr term through June 30, 2023)

Anthony Kirk                      Ward 1 (new appointment completing a term through June 30, 2021)-  
replaces *E. Wang*

Ann Vasquez                      Ward 2 (reappointment for a 3-yr term through June 30, 2023)

Jeff Yorg                      Ward 2 (new appointment for 3-yr term through June 30, 2023)-replaces  
*C. Brennan*

Mary Corcoran           Ward 3 (new appointment for a 3-yr term through June 30, 2023)-  
*replaces R. Kerr*  
Norton Hoffman       Ward 3 (reappointment for a 3-yr term through June 30, 2023)

**Parks & Recreation Commission (P&R)**

Missy McCormick      Ward 2 (reappointment for a 3-yr term through June 30, 2023)  
Karen Berry Elbert    Ward 3 (new appointment for a 3-yr term through June 30, 2023)-*D. LaGessee*  
Matt Durham           Ward 2 (new appointment for a 3-yr term through June 30, 2023)-  
*replaces E. Schneider*  
Melanie Tamsky       Appointment as Chairman

**Public Art Advisory Committee (PAAC)**

Dwyer Brown           Ward 1 (reassigned to replace C. Colangelo, term expires 2021)  
Jacob Reby            Ward 3 (reappointment for a 3-year term through June 30, 2023)

Mayor Harris noted that the Board will need to discuss appointing a chairman for the EDAC and also a replacement for Brian Edwards who has recently resigned due to residence relocation.

Alderman McAndrew requested that a letter is sent to those applicants not selected and that a deadline date is included next year when the City advertises for recruitment.

Alderman Buse noted that Nicki Bissel's appointment to the CEC is for the seventh seat which is non-ward specific.

Alderman Boulton inquired about the PAAC alternate positions.

Mayor Harris stated that there will be a more structured "game plan" for recommendations next year.

**Motion made by Alderman Boulton to approve the appointments. Alderman Lintz seconded.**

**The motion passed unanimously on a voice vote.**

**FINDINGS - APPEAL OF THE ARCHITECTURAL REVIEW BOARD'S DECISION TO APPROVE A GARAGE ADDITION AT 747 MIDDLE POLO DRIVE**

City Attorney O'Keefe reported that the Board received a draft of the proposed findings and order for dispositions of the appeal involving the property of 747 Middle Polo Drive. In summary the proposed findings include a finding that the appellant has failed to establish that they have standing to bring the appeal and that they have not demonstrated that they are an aggrieved party within the meaning of the City's ordinances by reasonable *suffering a demonstrable and material adverse effect* from the ruling complained of. The findings also nonetheless address the substance of the complaints filed by the appellant and finds that they lack merit across-the-board accordingly. The proposed order is that the decision of the Plan Commission/Architectural Review Board be affirmed. (copy of Findings attached)

**Motion made by Alderman Boulton to accept the Findings. Alderman Lintz seconded.**

**The motion passed on a roll call vote: Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Sokol – Aye; and Mayor Harris – Aye.**

City Attorney O’Keefe added that the City Clerk will distribute a copy of the Findings to the appellant and the property owners upon execution of the document.

#### Other

Alderman Boulton reported:

- Participated in a Forward Through Ferguson virtual meeting for elected officials; 20 participants.

Alderman Lintz reported:

- Plan Commission/ARB

Alderman Berkowitz inquired about the monument issue and the next steps. Mayor Harris provided a report stating that currently the Task Force includes herself, a representative from the Missouri History Museum, a representative from Washington University, a professor for African-American studies; and Katie Lerwick, Chair of History, Clayton Community Foundation; they are awaiting a designee from the CEC. The first meeting of the task force is scheduled for mid-August.

Alderman McAndrew reported:

- Clayton Community Foundation (CCF)

Alderman Buse reported that she also attended the Forward Through Ferguson virtual meeting.

Alderman Sokol reported:

- Sustainability Committee met last week discussed electric vehicles and charging stations.

Mayor Harris reported that there is a lot of wildlife at Oak Knoll Park that includes two groups of hatchlings (ducks); Kudos to the Parks & Recreation staff for keeping up the great work on the City’s parks.

**Motion made by Alderman Sokol that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman McAndrew seconded the motion.**

**The motion passed on a roll call vote: Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; Alderman Sokol – Aye; and Mayor Harris – Aye.**

There being no further regular business the meeting adjourned at 7:37 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

DRAFT



BOARD OF ALDERMEN  
CITY OF CLAYTON, MISSOURI

In Re: 747 Middle Polo Drive )  
Appeal of Decision of Plan Commission/Architectural Review Board )

**Findings and Decision on Appeal**

This is an appeal submitted by William Burris and DBK Trust, LLC. ("Appellants"), 733 Middle Polo Drive, of a decision by the Plan Commission/Architectural Review Board ("PC/ARB") on May 4, 2020, approving plans for construction of a garage addition to be constructed for Ken and Lori Aston ("Applicants") at their home at 747 Middle Polo Drive.

Pursuant to Section 400.230 of the Municipal Code, an aggrieved party may, within 15 days of the decision for which redress is sought, file with the Board of Aldermen a written request for reconsideration and appeal of any decision of the Architectural Review Board. The written request must set forth in a concise manner the decision being appealed and all grounds known to the appellant as to wherein and why the decision is allegedly in error.

The City Clerk received this appeal on May 18, 2020, and the Board of Aldermen finds such filing to be timely.

**Standing**

Pursuant to Sec. 400.230 of the Clayton City Code appeals from decisions of the PC/ARB can be taken only by an "aggrieved party."

As specified in Sec. 405.390 an "aggrieved party" is either:

1. The applicant, or
2. One who:
  - a. Suffers a demonstrable and material adverse effect from the decision at issue, and
  - b. Is the owner or occupant of property within two hundred (200) feet of the subject property as measured from all boundaries of the subject property.

Appellants own and/or occupy the property adjacent to the subject property, thereby satisfying the requirement of Subsection (2)(b) for non-applicants to have standing to pursue an appeal from the PC/ARB.

But non-applicants must also satisfy the requirement of Subsection (2)(a) and bear the burden to allege and establish that they "suffer a demonstrable and material adverse effect from the decision at issue."

Appellants' complaints concern the PC/ARB's approval of a site plan that includes a third curb cut for the subject property which, Appellants contend, is contrary to provisions of the City's subdivision standards in Chapter 415 of the City Code. Appellants also assert the PC/ARB cannot vary the cited subdivision regulations as that authority rests solely with the Board of Adjustment; hence the PC/ARB approval was unauthorized. But Appellants have not alleged or established that they will suffer any demonstrable and material adverse effect from the approved garage addition or the curb cut of which they complain.

An appellant bears the burden to show that they have the requisite standing to pursue an appeal. Appellants here have not satisfied that burden and their appeal must, therefore, be dismissed.

### **Merits of the Appeal**

As a courtesy to Appellants and Applicants, we also wish to express that we have reviewed Appellants' filing and the evidence presented by Applicants and find that the claims of the Appellants lack merit and the appeal would not support any change to the PC/ARB decision even if they had established standing so as to require us to reach the merits of the case.

As a starting point it should be noted that Sec. 400.230 establishes an appeal process when an aggrieved party establishes that the decision of the PC/ARB is "in error." We read this requirement as constraining the Board of Aldermen only to correct errors by the PC/ARB in applying code standards or assessing relevant evidence. We are not empowered to substitute our judgment for that of the PC/ARB and usurp their authority even if we might view the matter differently than they did.

A brief synopsis of the claims by Appellants and the relevant standards at issue readily demonstrates that the PC/ARB correctly applied the law and accurately assessed the facts and circumstances before them.

The Appellants claim that the proposed addition of a third curb cut for the subject property violates City Code Section 415.600(C) which limits curb cuts to a maximum of two per lot. But Section 415.600 is a part of the City's subdivision regulations - not the zoning and architectural standards at issue in the PC/ARB's review and at issue in this appeal. The subject property was not being replatted or subdivided in the proceedings below. City Code Section



405.1020(A)(1)(d), *Scope of Modifications Authorized*, provides that the PC/ARB is to consider and require that site plans provide "driveway and garage entrances that are compatible and efficient with the structure and surrounding neighborhoods." The PC/ARB's decision to approve the design and location of the garage addition was the most appropriate outcome in these circumstances, as the design of the garage addition and the location of the new curb cut preserves the architecture of the existing residential structure on site as well as preserves the existing neighborhood character. There is no evidence the PC/ARB was in error in approving the driveway and access arrangements.

Likewise Appellants claim the third curb cut violates City Code Section 415.600 (d) which limits access to a corner residential lot from either street, but not both. Again, the cited regulation is a part of the City's subdivision standards and those standards were not the subject of the decision being appealed. Moreover, Section 415.570 of the City's subdivision regulations provides that the Public Works Director "shall have the final decision regarding all public improvements and infrastructure location." And Section 415.600 (C) provides that the "location of all access points shall be determined by the Director of Public Works." There is no evidence the PC/ARB was in error in approving the driveway and access arrangements.

Finally, Appellants claim that authority to vary subdivision standards in Chapter 615 of the City Code rests solely with the Board of Adjustment to the exclusion of PC/ARB site plan approvals such as those at issue here, is legally flawed. Pursuant to Section 415.060 *Variations and Exceptions*, The Board of Adjustment has no authority to vary or modify the requirements of the subdivision regulations in Chapter 615.

**WHEREFORE**, the appeal of William Burris and DBK Trust, LLC. with regard to PC/ARB approval of a garage addition and site plan for the property at 747 Middle Polo Drive is DISMISSED

**Adopted by the Board of Aldermen of the City of Clayton this 28th Day of July, 2020.**

Attest:

  
City Clerk

  
Mayor



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## REQUEST FOR BOARD ACTION

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**TO:** MAYOR HARRIS; BOARD OF ALDERMEN

**FROM:** DAVID GIPSON, CITY MANAGER  
SUSAN M. ISTENES, AICP, DIRECTOR, PLANNING & DEV. SERVICES

**DATE:** AUGUST 11, 2020

**SUBJECT:** PUBLIC HEARING AND ORDINANCE – RIGHT OF WAY VACATION

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This is a Public Hearing to solicit input regarding the approval of a right-of-way vacation and subsequent Ordinance to vacate property which is located south of 7827 Davis Drive (Lot 17 of the Davis Place Subdivision) and is a strip of undeveloped and unused right-of-way.

The applicant is requesting that the City vacate the right-of-way interest and reserve a utility easement. The property's dimensions are +/- 35 feet x 95 feet, for a total area of +/-3,325 square feet.

In its current configuration, the property is not developable. If the vacation is approved by the Board of Aldermen, the applicant will then file a boundary adjustment plat to include the property with Lot 17.

The Public Works Department does not have an objection to this vacation.

The City Plan Commission considered this request at its August 3, 2020 meeting and voted unanimously to recommend approval. Staff concurs with this recommendation.

**Recommendation:** To approve an Ordinance for the right-of-way vacation as presented.

BILL NO. 6803

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE VACATING CERTAIN RIGHT-OF-WAY WHICH WAS PREVIOUSLY DEDICATED TO THE CITY OF CLAYTON AND IS NOT NECESSARY FOR RIGHT-OF-WAY OR USED FOR TRAVEL BY THE PUBLIC**

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**WHEREAS**, there is a strip of land that was previously platted as part of Davis Place, a subdivision of St. Louis County, Missouri, recorded at Plat Book 21, Pages 14 and 15 of the St. Louis County records, which appears to have been dedicated as right-of-way; and

**WHEREAS**, due to the current traffic design and road improvements, this land adjacent to Lot 17 of Davis Place, is not used by the public for travel and is not necessary for public right-of-way or future improvements; and

**WHEREAS**, the adjoining property owner, upon vacation of the portion of right-of-way, will be responsible for maintenance of such property, alleviating such burden upon the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:**

SECTION ONE. The Board of Aldermen hereby vacates the strip of land designated as “Reserved for Avenue” which is shown as hachured on Exhibit A attached hereto, subject to a reservation of a utility easement. The Board of Aldermen hereby authorizes the City Manager to execute an appropriate Deed of Vacation so that such vacated right-of-way is effectively transferred to the adjoining property owners.

SECTION TWO. The right-of-way herein vacated shall revert to those adjoining property owners as prescribed by law and as shown on Exhibit A. All maintenance responsibilities of the property formerly subject to said right-of-way shall now be the obligations and/or rights of those grantees to whom the property reverts.

SECTION THREE. This ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

**Passed by the Board of Aldermen this 11<sup>th</sup> day of August 2020.**

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

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(Space Above Reserved for Recorder of Deeds)

**COVER PAGE – VACATION OF RIGHT-OF-WAY**

Date:

Grantor: City of Clayton  
10 North Bemiston Avenue  
Clayton, Missouri 63105

Grantee: Emily Guignon and Thomas Guignon  
7827 Davis Drive  
Clayton, Missouri 63105

Legal Description: Portion of Vacated Right-of-Way shown as hachured  
on Exhibit "A" attached hereto.

### **VACATION OF RIGHT-OF-WAY**

**Whereas**, Grantee owns certain property within the City of Clayton that was previously platted as part of Davis Place, a subdivision of St. Louis County, Missouri, recorded at Plat Book 21, Pages 14 and 15 of the St. Louis County records; and

**Whereas**, adjacent to Grantee's property is a section of land designated as "Reserved for Avenue 35' Wide"; and

**Whereas**, it is believed that, by virtue of such plat, such land constitutes right-of-way that was dedicated to the City of Clayton to hold in trust for public use and benefit as right-of-way; and

**Whereas**, due to the current traffic design and road improvements, this land adjacent to Lot 17 of Davis Place and Reserved for Avenue is not used by the public for travel and is not necessary for public right-of-way or future improvements; and

**Whereas**, the Grantee, upon vacation of the portion of right-of-way, will be responsible for maintenance of such property, alleviating such burden upon the City.

**WITNESSETH**, that Grantor, the City of Clayton, for and in consideration of valuable consideration paid by the said Grantee, the receipt of which is hereby acknowledged, does by these present vacate, abandon and allow to revert to Grantee, subject to the reservation set forth below, the strip of land designated as "Reserved for Avenue 35' Wide" and which is adjacent to Grantee's parcel (described in the deed recorded at Book 22724, Page 1535 of the St. Louis County records. The entire vacation area is shown as hachured on the attached Exhibit A.

**Reservation of Utility Easement:** This Deed of Vacation is made, however, subject to the following easement retained by the City of Clayton for utility purposes and reserved for any utility company currently having facilities within such vacated area, to wit: Grantor hereby reserves a utility easement in the lands hereinbefore described and hereby vacated, to allow Grantor and any utility company having facilities within such area to operate, maintain, repair and replace utility facilities within such area.

All maintenance responsibilities for the property herein described and vacated are now the obligations and/or rights of the Grantee (owner of the property).

**In Witness Whereof**, the said Grantor and Grantee have executed these present the day and year first above written.

**Grantor**  
**City of Clayton, Missouri**

\_\_\_\_\_  
By:  
Title:

STATE OF MISSOURI                    )  
  ) SS  
COUNTY OF ST. LOUIS                )

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me appeared \_\_\_\_\_, to me personally known, and stated that he/she is the \_\_\_\_\_ of the City of Clayton, Missouri, and that he/she executed the foregoing document on behalf of the City of Clayton, by authority of the Board of Aldermen, and that the said document is the free act and deed of the City of Clayton.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

\_\_\_\_\_  
Notary Public

My commission expires:

**Grantee**

\_\_\_\_\_  
Printed Name:

\_\_\_\_\_  
Printed Name:

STATE OF MISSOURI                    )  
  ) SS  
COUNTY OF ST. CHARLES )

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me appeared \_\_\_\_\_, to me personally known, and stated that they are the Grantee herein and that they executed the foregoing instrument as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

\_\_\_\_\_  
Notary Public

My commission expires:





City Manager  
10 N. Bemiston Avenue  
Clayton, MO 63105

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## REQUEST FOR BOARD ACTION

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**TO:** MAYOR HARRIS; BOARD OF ALDERMEN  
**FROM:** DAVID GIPSON, CITY MANAGER  
PATTY DEFORREST, DIRECTOR OF PARKS & RECREATION  
**DATE:** AUGUST 11, 2020  
**SUBJECT:** RESOLUTION – APPROVING SUBMITTAL OF A MUNICIPAL PARKS GRANT APPLICATION FOR REPLACEMENT OF PLAYGROUNDS IN SHAW PARK

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Included in the City's FY19 Capital Improvement Budget is funding for the replacement of the south playground in Shaw Park. This was included with the intent to apply for a St. Louis County Municipal Park Grant to fund the majority of the cost of the project. Since the adoption of the 2007 Parks & Recreation Master Plan, the city has replaced the other playgrounds throughout the system except for this one and one located by the ball fields. In anticipating this project, we had originally thought to apply for funding for the playground at the south end of the park only. In review of the grant it was determined that we could apply for the maximum amount available of \$420,000 and complete both the south end and the small playground with grant funds. While the cost of the project would go up, the City's contribution would be reduced. Patty has discussed this with the District and asked to them to contribute to the required match for the project. In addition, she has also asked the Clayton Community Foundation to contribute. We anticipate an answer prior to submittal of the grant application. Regardless of their commitment, the maximum the City will need to contribute is \$22,500, slightly less than what was included in the approved Capital Plan.

Patty discussed this with the Parks & Recreation Commission on Monday, August 3, 2020 who voted their unanimous support for submittal of the grant application. They will conduct additional public engagement on the design of the playgrounds this fall. If successful in receiving the grant, this project would begin in the spring with completion anticipated by late summer of 2021.

**Recommendation:** To approve the resolution authorizing submittal of the grant application for new playgrounds in Shaw Park.

## **RESOLUTION NO. 2020-10**

WHEREAS, the City of Clayton Board of Aldermen deems it desirable to make improvements to playgrounds throughout our park system and specifically in Shaw Park to serve its citizens as well as the general public in the region.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, THAT:

1. A project proposal and grant application for improvements to playgrounds in Shaw Park be prepared and submitted to the Municipal Parks Grant Commission of St. Louis County, Missouri for a 2020, Round 21 Grant, reimbursable by the Commission upon completion of the project.
2. The City Manager is hereby authorized to sign and execute the necessary documents for forwarding the grant application, and if the grant is awarded, to sign the project agreement, and subsequent amendments and other necessary documents between the City of Clayton and the St. Louis County Municipal Park Grant Commission.

Adopted this 11<sup>th</sup> day of August 2020.

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Mayor

ATTEST:

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City Clerk



City Manager  
10 N. Bemiston Avenue  
Clayton, MO 63105

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## REQUEST FOR BOARD ACTION

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**TO:** MAYOR HARRIS; BOARD OF ALDERMEN  
**FROM:** DAVID GIPSON, CITY MANAGER  
JANET K. WATSON, DIRECTOR OF FINANCE & ADMINISTRATION  
**DATE:** AUGUST 11, 2020  
**SUBJECT:** MOTION – SETTING PUBLIC HEARINGS FOR CONSIDERATION OF THE  
PROPOSED PROPERTY TAX LEVIES FOR TAX YEAR 2020 (FISCAL YEAR  
2021) AND THE FISCAL YEAR 2021 OPERATING AND CAPITAL  
IMPROVEMENT BUDGET

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The Board of Aldermen is just now receiving the City Manager's proposed Fiscal Year 2021 (FY 21) Operating and Capital Improvement Budget. Also, the City has recently received assessed valuation information from St. Louis County for calculating the 2020 (FY 21) property taxes. As part of the property tax and budget process, the Board is required to hold a public hearing to seek public input prior to formal adoption.

Staff is recommending that a public hearing be scheduled for September 8, 2020, at 7:00 p.m. at the regular Board of Aldermen meeting for both the property tax levy hearing, and also the Fiscal Year 2021 budget hearing.

**Recommended Actions:** To approve a motion scheduling a public hearing on September 8, 2020, at 7:00 p.m. to receive public comment on the proposed Tax Year 2020 (FY 21) property tax levies and the proposed Fiscal Year 2021 Operating and Capital Improvement Budget.



City Manager  
10 N. Bemiston Avenue  
Clayton, MO 63105

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## REQUEST FOR BOARD ACTION

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**TO:** MAYOR HARRIS; BOARD OF ALDERMEN  
**FROM:** DAVID GIPSON, CITY MANAGER  
JUNE FRAZIER, CITY CLERK  
**DATE:** AUGUST 11, 2020  
**SUBJECT:** APPOINTMENTS TO BOARDS AND COMMISSIONS

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The following individuals have expressed interest in being appointed to or continuing to serve as a member of the following Boards or Commissions of the City. Mayor Harris has reviewed and agrees with the recommendations for appointment or reappointment to the respective Board or Commission and, therefore, submits the following nominations for the Board's consideration.

**Economic Development Advisory Committee**

Rick Forshaw, Jr.      Ward 2 (new appointment for a 3-yr term through June 30, 2023) *-replaces B. Edwards*  
Norton Hoffman      Chairman

**Provisional Municipal Judge**

Cynthia Garnholz      Ward 2 (reappointment for a 2-yr term through June 30, 2022)

**Non-Uniformed Employees Retirement Fund**

Amelia Bond      Ward 1 (reappointment for a 3-yr term through June 30, 2023)  
Steve Singer      Ward 3 (reappointment for a 3-yr term through June 30, 2023)

**Sustainability Committee**

Susannah Fuchs      Ward 1 (reappointment for 3-yr term through June 30, 2023)  
Angela Flotken      Ward 2 (reappointment for a 3-yr term through June 30, 2023)

**Recommendation:** To consider the appointments.